



Attorney's Docket No. 045600/274146

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Carozzi et al. Confirmation No.: 6931  
Appl. No.: 10/783,417 Art Unit: 1638  
Filed: February 19, 2004 Examiner: Not Yet Assigned  
For: AXMI-006, A DELTA ENDOTOXIN GENE AND METHODS FOR ITS USE

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
CITATION UNDER 37 C.F.R. § 1.97**

Sir:

Attached is a list of documents on form PTO-1449. In accordance with the Office waiver published July 11, 2003, copies of the cited U.S. patents and patent application publications are not enclosed. Applicant does enclose copies of any cited foreign patent documents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

Respectfully submitted,

*Karen M Morse*

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<b>Customer No. 00826</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 1, 2004 <i>Nora C Martinez</i> Nora C. Martinez
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Substitute for form 1449/PTO (Revised 04/2003)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/783,417
				Filing Date	February 19, 2004
				First Named Inventor	Carozzi et al.
				Group Art Unit	1638
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	045600/274146

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
	1	US-4,652,628	03-24-1987	Walfield et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document Country Code - Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	English Language Translation Attached

OTHER DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	English Language Translation Attached
	2	BERRY, C., et al., "Complete Sequence and Organization of pBtoxis, the Toxin-Coding Plasmid of <i>Bacillus thuringiensis</i> subsp. <i>israelensis</i> ," <i>Applied and Environmental Microbiology</i> , October 2002, pp. 5082-5095, Vol. 68, No. 10	
	3	THORNE, L., et al., "Structural Similarity Between the Lepidoptera- and Diptera-Specific Insecticidal Endotoxin Genes of <i>Bacillus thuringiensis</i> subsp. " <i>kurstaki</i> " and " <i>israelensis</i> ," <i>Journal of Bacteriology</i> , June 1986, pp. 801-811, Vol. 166, No. 3	

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Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.